

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on 22 April 2014 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, S Patterson
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor RA Clancy
Councillor RC Patton
Councillor AP Roe

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
Manager Organisational Sustainability – PE Aukett
Manager Development Services – A Marroncelli
Manager Finance – J Newton

1. OPENING

His Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting His Worship the Mayor stated:
We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. PRAYER

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. APOLOGIES

4.1 Apologies Received - Councillor LJ Yates

4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL

5.1 City of Burnside

An award presented to the City of Holdfast Bay in recognition of contribution towards the clean-up after the February 2014 wind storm event.

5.2 Local Government Association –Annual General Meeting

An award presented to the City of Holdfast Bay for their participation in the My Local Services App.

5.3 Condolences – Robert Dickson

His Worship the Mayor and Elected Members extend their condolences to the family of Robert Dickson, who made a significant contribution to South Australian architecture, which included the Old Gum Tree Conservation Shelter.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C220414/1086

That the minutes of the Ordinary Meeting of Council held on 8 April 2014 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Clancy

Carried

8. PUBLIC PRESENTATIONS

8.1 **Petitions**

Councillors Looker, Clancy and Huckstepp declared an interest in the following matter due to their membership of the Council Development Assessment Panel and left the chamber at 7.02pm.

8.1.1 **Petition - Proposed Hungry Jack's Development** (Report No: 120/14)

Motion

C220414/1087

That the petition be received by Council.

Moved Councillor Bouchee, Seconded Councillor Donaldson **Carried**

8.2 **Presentations** - Nil

8.3 **Deputations**

8.3.1 Proposed Hungry Jack's Development on Brighton Road
Aasha Shaw, from the Organic Corner Store will make a deputation to Council for 5 minutes.

9. **QUESTIONS BY MEMBERS**

Councillors Looker, Clancy and Huckstepp rejoined the chamber at 7.13pm

9.1 **Without Notice**

8.1.1 **Updates on Projects – Councillor Bouchee**

Councillor Bouchee asked a question regarding the inclusion of major project updates in the Items in Brief Report.

The Chief Executive Officer, Mr J Lynch provided a response.

8.1.2 **Declaration of Interest – Development Assessment Panel Members**

Councillor Clancy made a statement regarding the need for Council's Development Assessment Panel Members to declare an interest when council discusses/considers matters which are being considered by the Council's Development Assessment Panel.

The Manager Development Services, Mr A Marroncelli provided a response.

Councillor Bouchee asked a further question regarding the Council's Development Assessment Panel Members are able to listen to residents concerns at a council meeting regarding developments being considered by the Development Assessment Panel.

His Worship the Mayor, Dr AK Rollond provided a response.

9.2 **With Notice** - Nil

10. **MEMBER'S ACTIVITY REPORTS**

10.1 **Activity Report – Murray Darling Association – Councillor Yates** (Report No: 119/14)

Motion**C220414/1088**

That the Activity Report by Councillor Yates on her attendance at Murray Darling Association meetings be received.

Moved Councillor Dixon, Seconded Councillor Lonie

Carried

11. MOTIONS ON NOTICE - Nil**12. ADJOURNED MATTER - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Development Assessment Panel – 26 March 2014 (Report No: 105/14)**

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 26 March 2014 are presented to Council for information.

Motion**C220414/1089**

That the minutes of the Development Assessment Panel meetings held on 26 March 2014 be received.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

14. REPORTS BY OFFICERS**14.1 Items in Brief (Report No: 116/14)**

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Motion**C220414/1090**

That the report be noted and items of interest discussed.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14.2 Nando's Glenelg – Application for Restaurant Licence (Report No: 115/14)

Nando's Glenelg is an existing restaurant which operates on the northern side of Moseley Square (shop 4 Moseley Square Glenelg). The restaurant holds a current outdoor dining permit to serve food and drinks in the area adjacent to the shop front. Nando's Australia Pty Ltd is now seeking to obtain a Restaurant Liquor Licence which will permit them to provide liquor to customers in addition to existing food and beverage services.

Though a restaurant category liquor licence allows the licensee to supply liquor at any time on any day when food is provided, it is recommended that the standard hours outlined in Council's Liquor Licencing Policy be imposed upon the licence.

A standard section 69 approval to serve liquor in the outdoor dining area is also being sought as part of the application. It is recommended that all liquor service in the outdoor area cease no later than 11:00pm on any day; keeping closure times in line with other licensed premises.

As an ancillary aspect of the application, the applicants have applied for a section 34 (1) (c) exemption which will allow the licensee to supply liquor to a patron seated at a table without the provision of a meal.

Consumer and Business Services now seek Council's comments prior to approving the liquor licence on the scheduled hearing date of 12 May 2014.

Motion

C220414/1091

That Council advise Consumer and Business Services that it supports the approval of a Restaurant Liquor Licence to sell and/or supply liquor in accordance with section 34 (1) (a), (b) & (c) of the Liquor Licensing Act 1997, subject to the following:

Restaurant Liquor Licence – Section 34:

1. **That the hours of liquor service for the internal areas of the restaurant be limited to:**

**Monday to Thursday between 8:00am and 12midnight the same day;
Friday and Saturday, between 8:00am and 1:00am the following day;
and
Sunday between 11.00am and 8:00pm the same day;**
2. **That the hours of liquor service for the outdoor dining area (approved under section 69 of the Act) be limited to:**

**Monday to Saturday between 8:00am and 11:00pm the same day;
Sunday between 11.00am and 8:00pm the same day;**
3. **That the sought section 34 (1) (c) exemption reflect the above hours;**

General:

4. **The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the interim licence and associated conditions prior to the conclusion of the twelve (12) month trial period;**
5. **The licensee must frequently monitor and ensure the management of the outdoor dining area due to the vicinity's abutting Dry Area.**

Moved Councillor Dixon, Seconded Councillor Patton

Carried

14.3 **Dunbar Terrace Proposed Carpark Improvements (Report No: 114/14)**

This report recognises the potential the Dunbar Terrace Carpark currently has for public and trader use and recommends a minimum parking fee to assist covering costs to better manage this carpark and reflect the demand for a turnover of parking in this location.

Motion

C220414/1092

1. **That 2 ticket machines be located in the Dunbar Terrace Carpark when upgrading is completed with the hourly rate set initially at \$2 per hour and be reviewed annually in line with other fees and charges.**
2. **That the paid parking times be 9am to 9pm, 7 days a week.**

Moved Councillor Looker, Seconded Councillor Patterson

Carried

Motion

C220414/1093

That Report No: 114/14, Dunbar Terrace Proposed Carpark Improvements be reviewed in 6 months.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

14.4 **Review of Delegations – Parts 2 & 3 (Report No: 106/14)**

Section 44(6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year.

Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of council.

This report presents the final part of the Delegations Review for 2013/14 financial year.

Motion**C220414/1094**

That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1 Community Titles Act 1996**
- 1.1.2 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005**
- 1.1.3 Housing Improvement Act 1940**
- 1.1.4 Land & Business (Sale and Conveyancing) Act 1994**
- 1.1.5 Liquor Licensing Act 1997**
- 1.1.6 Local Government Act 1934**
- 1.1.7 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005**
- 1.1.8 Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008**
- 1.1.9 Roads (Opening & Closing) Act 1991**
- 1.1.10 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999**
- 1.1.11 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013**
- 1.1.12 Supported Residential Facilities Act 1992**
- 1.1.13 Unclaimed Goods Act 1987**
- 1.1.14 Work Health and Safety Act 2012**
- 1.1.15 Safe Drinking Water Act 2011**
- 1.1.16 Water Industry Act 2012 and Water Industry Regulations 2012**
- 1.1.17 Real Property Act 1886**
- 1.1.18 Strata Titles Act 1988**

2. Delegations made under Local Government Act 1999

2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-16 (each of which is

individually identified as indicated below) are hereby delegated this 22nd day of April 2014 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 2.1.1 Community Titles Act 1996 (Appendix 02)
- 2.1.2 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 08)
- 2.1.3 Housing Improvement Act 1940 (Appendix 12)
- 2.1.4 Land & Business (Sale & Conveyancing) Act 1994 (Appendix 13)
- 2.1.5 Liquor Licensing Act 1997 (Appendix 14)
- 2.1.6 Local Government Act 1934 (Appendix 15)
- 2.1.7 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 17)
- 2.1.8 Roads (Opening and Closing) Act 1991 (Appendix 19)
- 2.1.9 Work Health and Safety Act 2012 (Appendix 27)
- 2.1.10 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 20)
- 2.1.11 Unclaimed Goods Act 1987 (Appendix 25)
- 2.1.12 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 (Appendix 22)
- 2.1.13 Safe Drinking Water Act 2011 (Appendix 30)
- 2.1.14 Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 26)
- 2.1.15 Real Property Act 1886 (Appendix 18)
- 2.1.16 Strata Titles Act 1988 (Appendix 23)
- 2.1.17 Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 11)
- 2.1.18 Environment Protection (Water Quality) Policy 2003 (Appendix 29)
- 2.1.19 Residential Parks Act (Appendix 28)

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

- 3.1** In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report 22 April 2014 and entitled Review of Delegations (Report No: 106/14) and marked Appendix 24) (distributed under separate cover) are hereby delegated this 22nd of April 2014 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 3.2** Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 4. Authorisations and Subdelegation under the Road Traffic Act 1961**
- 4.1** In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:
- General Manager City Assets, Mr S Hodge
 - Manager Traffic and Transport, Ms P Andritsakis
 - Manager Open Spaces, Mr A Ford
 - Manager Infrastructure Maintenance, Mr D Owen
- 4.2** In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:
- General Manager City Assets, Mr S Hodge
 - Manager Traffic and Transport, Ms P Andritsakis
 - Manager Open Spaces, Mr A Ford
 - Manager Infrastructure Maintenance, Mr D Owen
- 4.3** In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council

pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation (annexed to the Report dated 22 April 2014 and Review of Delegations (Report No: 106/14) and marked Appendix 20) is hereby sub-delegated this 22nd of April 2014 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Subdelegation.; and
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.

4.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

- General Manager City Assets, Mr S Hodge
- Manager Traffic and Transport, Ms P Andritsakis
- Manager Open Spaces, Mr A Ford
- Manager Infrastructure Maintenance, Mr D Owen

5. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

5.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation (annexed to the Report 22 April 2014 and entitled Review of Delegations (Report No: 106/14) and marked Appendix 21) are hereby delegated this 22nd of April 2014 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water

Moved Councillor Looker, Seconded Councillor Lonie

Carried

14.5 Draft 2014-15 Annual Business Plan (Report No: 117/14)

The Draft 2014-15 Annual Business Plan is presented for endorsement and release for community consultation.

It has been developed having regard to the "Our Place" Community Plan 2012-15 (Our Place Plan) Asset Management Plans, Long Term Financial Plan and directions provided from Council.

Motion

C220414/1095

1. **That the Draft 2014-15 Annual Business Plan contained at Attachment 1 be released for community consultation subject to minor alterations and design.**
2. **That the process for community consultation on the Draft 2014-15 Annual Business Plan, as described in this Report, be endorsed.**

Moved Councillor Looker, Seconded Councillor Clancy

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

16.1 Members Activity Report – Councillor Dixon

Councillor Dixon reported that he attended a food to green waste session which was very informative.

16.2 Cinema Development

Motion

C220414/1096

That the Chief Executive Officer write to the Cinema Developer, to determine if there is an operator for the cinema engaged.

Moved Councillor Bouchee, Seconded Councillor Fisk

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Bouchee, Patterson, Looker, Clancy, Donaldson, Lonie, Roe and Huckstepp (9)

Those voting against: Councillors Patton and Dixon (2).

His Worship the Mayor declared the motion

Carried

16.3 History Presentation – Naming of Streets in Glenelg North

Councillor Bouchee reported that she and other members attended a talk on the Glenelg North streets named after VC award recipients.

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 8.01 pm.

CONFIRMED Tuesday 13 May 2014

MAYOR